

REMARKS

Examiner Vo is thanked for the courtesy extended to the undersigned and the inventor, Dr. Shaw, during an interview which was conducted on August 2, 2005. The Interview Summary Record reflects the substance of the interview. The deficiencies of the prior art discussed at the interview are set forth below.

As suggested by the Examiner, the subject matter of claims 7 and 8 has been added to the independent claims as discussed at the interview which were presented in a suggested amended form which included the subject matter of claim 36.

The present invention is a method of computer analysis of computer generated communication comprised of a group of words written by an author in order to determine the psychological state of the author which is reflected by the group of words. In accordance with an embodiment of an invention the method of computer analysis of computer generated communications comprised of words written by an author in order to determine the psychological state of the author which is reflected by the group of words comprises collecting at least one computer generated communication 14 comprised of the group of words written by the author; parsing the group of words of at least one computer generated communication to identify categories of information therein 16; processing the categories of information with at least one analysis to quantify at least one type of information in each category 18, 20, 22, and 24; and generating an output communication 26 and 28 which assesses a risk posed by the author based upon the at least one computer generated communication when a difference between

the quantification of at least one type of information for at least one category and a reference for the at least one category is detected involving the psychological state of the author reflected by the group of words to which a responsive action should be taken with content of the output communication in at least one category being programmable to define a psychological state in response to which an action should be taken and what the action is to be taken in response to the defined psychological state; and wherein the corrected at least one computer generated communication comprises at least one of e-mail, chat from a chat room and information obtained from a website. See paragraph [0094] and paragraph [0111] of the Substitute Specification for a discussion of risk. The assessment of risk posed by the author was in original claim 36 which has now been cancelled. A plurality of analyses are used to process the categories of information comprising at least one psychological profiling algorithm which provides an indication of a psychological state of the author, at least one key word algorithm which processes any phrases and/or threatening acts to further identify a psychological state of the author and how the author may react to the identified psychological state and at least one message characteristic algorithm which analyzes characteristics of the at least one computer generated communication to identify a psychological state and/or at least one possible action of the author.

Claims 1-32 and 36-72 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 5,961,332 (Joao) in view of United States Patent 6,332,143 (Chase). These grounds of rejection are traversed for the following reasons.

Each of independent claims 1, 62, 71 and 72 have been amended to recite that a plurality of analyses are used as recited in now cancelled claims 7 and 8 and that the generated output communication assesses a risk posed by the author based upon the at least one computer generated communication written by the author as recited in now cancelled claim 36. The amendment of independent of claims 1, 62, and 71-72 to incorporate the subject matter of cancelled claims 7, 8 and 36 does not raise new issues.

Joao pertains to providing diagnosis to patients based upon information which was input pursuant to listening to patient responses to predetermined questions which may be found in a series of questionnaires or forms referred to data acquisition forms as discussed, for example, in column 12, lines 45-65, of Joao. Joao's objective is to obtain data entered by responses from questionnaires to perform diagnostics to define the nature and degree of severity of an individual's psychological state and/or state of dysfunction. Also see column 2, lines 52-62. Moreover, Joao utilizes the data to objectively determine an optimum and most cost-effective mental health care treatment options which are available to the assessed individual if such treatment is deemed appropriate. See column 2, lines 62-66.

The independent claims, on the other hand, recite processing of groups of words written by an author in order to determine the psychological state of the author as recited in the preambles of the independent claims to, *inter alia*, assess the risk posed by the author by the at least one computer generated communication written by the author and to "generate an output communication which assesses a risk posed by the author based upon the at least one computer

generated communication when a difference between the quantification of at least one type of information for at least one category and a reference for the at least one category is detected involving the psychological state of the author reflected by the group of words to which a responsive action should be taken with content of the output communication and the at least one category being programmable to define a psychological state in response to which an action should be taken and what the action is to be taken in response to the defined psychological state." .

Accordingly, the subject matter of Joao pertains to non-analogous art in that Joao does not pertain to an assessment of risk posed by computer generated communications comprised of groups of words written by an author in order to determine a psychological state of the author which is reflected by the group of words and provide an output of what the action is to be taken in response to the defined psychological state. Instead, Joao determines the psychological state of a patient whose patient data has been entered by another person in order to define medical cost effective mental health care options. The assessment of the psychological state of the patient has nothing to do with the assessment of risk posed by an author of the written words as recited in the claim.

The Examiner finds that Joao has the following deficiency:

Joao fails to specifically disclose that the at least one computer generated communication comprised of a group of words written by the author, and the psychological state of the author reflected by the group of words written by the author, and the collected at least one computer generated communication comprises at least one of email, chat from a chat room and website information collected from a website. However, Chase teaches that the at least one computer generated communication comprised of a group of words written by the author, and the psychological state of the author reflected by the group of words written by the author (*referring*

to figures 3-8 and/or col. 10, line 60 to col. 13, line 67), and the collected at least one computer generated communication comprises at least one of email, chat from a chat room and website information collected from a website (figure 3, the message 54 can be a text document file or email or message from website).

However, the Examiner's reliance upon Chase is misplaced.

The Examiner's conclusion that Chase teaches in Figs. 3-8 and/or column 10, lines 60 through column 13, lines 67, at least one computer generated communication comprising one of email, chat from a chat room and website information collected from a website is not verified by the Examiner's reference to Fig. 3, including message 54, which is the lyrics from the popular song "Eleanor Rigby". Moreover, Chase discloses the parsing of text to analyze a passage of discourse for detonative or cognitive content. This applies to the discourse and Chase makes no attributions linking this discourse to the characteristics of an author. See column 10, lines 60-67, through page 11, lines 1-43. An analysis for cognitive content, as performed by Chase, has no utility in the diagnostic and treatment system of Joao and would not be considered by a person or ordinary skill in the art to be analogous art to the system of Joao as contended by the Examiner at the bottom of page 3 and the top of page 4 of the Office Action..

It is submitted that the Examiner has not demonstrated basis in the record why it would be obvious to combine Joao and Chase. While it is noted that the Examiner, at the bottom of page 3 and the top of page 4 of the Office Action, concludes "[s]ince Joao and Chase are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Joao by incorporating the teaching of

Chase in order to assist an author or an editor to automatically analyze the discourse and enable the author or editor to view the cognitive aspects of the work and make changes" (emphasis added), such a suggestion is traversed and is totally antithetical to and foreign to the system of Joao which, as described above, is for the purpose of obtaining data input from health workers in order to assess the nature and degree of severity of an individual's psychological state and/or state of dysfunction with the further objective being to determine an optimum and most cost-effective mental health care treatment options which are available to the assessed individual if such treatment is deemed appropriate.

The Examiner has not explained how a system for performing cognitive analysis, such as the exemplified analysis of "Eleanor Rigby" would have any utility in the diagnostic system of Joao. Chase on one hand pertains to the pure analysis of words to determine the connotative content as reflected, for example, in Table 2 and in the outputs of Figs. 5-8 whereas, Joao parses data inputted by specialized health professionals filling out questionnaires to facilitate health treatment. The Examiner cannot demonstrate any basis in the record why a person of ordinary skill in the art would consider the teachings of Joao and Chase to be analogous arts even though the Examiner has summarily reached that position at the bottom of page 3 and the top of page 4. The systems of Joao and Chase have totally different objectives with their being no demonstrable reason except by resort to impermissible hindsight why a person of ordinary skill in the art would even consider any aspect of the teachings of Chase for modifying the teachings of Joao given the different objectives of the two systems to arrive at the claimed subject matter.

Additionally, as pointed out above, each of the independent claims recite that the output communication assesses a risk posed by the author based upon the at least one computer generated communication written by the author which is used to provide an output of "what action is to be taken in response to the defined psychological state." This subject matter, as pointed out above, is reflected in original claim 36, which has now been cancelled. The Examiner's reference to column 30, lines 19-67, and column 35, lines 1-67, and further Fig. 2 and column 23, from line 46 to line 67, of column 26 of Joao do not describe the subject matter. If the Examiner persists in the stated grounds of rejection, it is requested that he place on the record where there is any assessment of risk posed by an author based upon the at least one computer generated communication written by the author. Neither Joao nor Chase disclose anything pertaining to the generation of an output communication assessing a risk posed by the author based upon the at least one computer generated communication written by the author and the output of what action is to be taken by the defined psychological state. This subject matter permits common electronic media, such as email, chat and website information, to be analyzed including the generation of a risk posed by the at least one computer generated communication.

Each of the independent claims further recite that a plurality of analyses are used to process the categories of information comprising at least one psychological profiling algorithm which provides an indication of a psychological state of the author, at least one keyword algorithm which processes any phrases in/or threatening acts to further identify the psychological state of the author and how the author may react to the identified psychological state and at least one

message characteristic algorithm which analyzes characteristics of the at least one computer generated communicated to define a psychological state and/or at least possible action of the author. The Examiner's reliance on column 30, lines 19-67, of Joao regarding an indication of the psychological state of the author is traversed for the reason that the psychological state of the author is limited to the aforementioned computer generated communications comprised of a group of words written by an author in order to determine the psychological state of the author which is reflected by the group of words.

If the proposed combination of Joao and Chase were made, the subject matter of the independent claims would not be achieved since neither of Joao or Chase disclose, generating an output communication which assess a risk posed by the at least one computer generated communication written by the author and what action is to be taken by the defined psychological state.

Claim 2 recites a plurality of the computer generated communications generated over a period of time are collected, parsed and processed to generate the reference of the at least type of information for each category, collecting, parsing and processing a more recent computer generated communication to qualify the at least one type of information therein for each category; and generating the output communication when the difference of at least one category and the quantification of the current computer generated communication for at least one category is detected involving a psychological state of the author to which a responsive action should be taken. The Examiner discusses claim 2 in section 5 of the Office Action. However, what is described in the referenced portion of column 14, lines 27-67 is submitted to not describe the aforementioned

subject matter including the generation of the reference of the at least one type of information from the plurality of computer generated communications which are defined in claim 1 as at least one of the e-mail, chat from a chat room and website information collected from a website and further generating an output of communication based upon a difference between the reference of the at least one category and the quantification of the current computer generated communication for at least one category is detected. If the Examiner persists in the stated ground of rejection with regard to claim 2, it is requested that he explain on the record how the subject of claim 2 is met.

Claim 3 is patentable for the same reasons as set forth above with respect to claim 1.

Claims 4-6 limit claims 1-3 in reciting the output communication indicates that the author should be studied. The Examiner relies on column 25 lines 39-57. However, what is described therein is examination of output reports and a motion-by-item-group bar graphs in overall-motion-by-motion-time-pie graphs. However, it is submitted that these outputs do not teach the recited "output communication indicates that the author should be studied". If the Examiner persists in the stated grounds of rejection it is requested he explain on the record how the referenced portions of column 25 meet the subject matter of claims 4-6.

It is noted that the Examiner has not even provided any analysis of threatening acts being disclosed by Joao as part of the processing routine. The Examiner cites column 14, line 50 to column 15, line 46 for processing an emotional category to determine the psychological state of the author and further detail being in columns 22-25. However, it is submitted that there is no disclosure

therein of how the author may react to the identified psychological state and at least one message characteristic algorithm which analyzes characteristics of the at least computer generated communication to identify the psychological state and/or at least one possible action of the author with respect to the computer generated communications as recited in claim 1.

Claims 25-27 further limit claims 4-6 in reciting the at least one computer generated communication is collected by an organization to which the author is affiliated; and the output communications present on the system is the organization and is directed to or from the organization. The Examiner relies upon column 11, lines 56-67 and/or column 28, lines 13-35, of Joao. However, it is submitted that these sections do not disclose anything pertaining an organization as recited in claims 25-27. If the Examiner persists in the stated grounds of rejection, it is requested that he state on the record how it is interpreted in the aforementioned portions of Joao to meet the limitations regarding the organization as recited in claims 25-27.

Claims 28-30 further limit claims 25-27 in reciting each reference is set by the organization. The referenced column 22, lines 38-59, of Joao, discuss assessing individual responses on a line point scale. It is submitted that this has nothing to do with each reference being set by an organization as recited in claims 28-30. If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record where the aforementioned subject matter is found in column 22, lines 39-58.

Claims 31 and 32 limit claim 3 in reciting that the only computer generated communications are collected by an organization to which the author is affiliated;

and the output communication is directed to the organization that pertains to further action to be taken regarding the author and each reference is static and is indicative that a psychological state of the author is of concern of the organization. The Examiner relies upon column 11, lines 56-67 and column 28, lines 13-35. However, it is submitted that this subject matter does not disclose anything pertaining to the claimed organization since the assessment of the psychological state for diagnostic purposes in Joao does not have any organizational aspects pertaining it.

Claims 37-38 recite that the author is affiliated with an organization; and the communication pertains to course of action to be taken by the organization which collected the at least one computer generated communication authored or received by the author and the course of action is that the author be further assessed and counseled regarding the psychological state represented in the at least one computer generated communication. It is submitted that the referenced portions of column 30, lines 19-67, column 35, lines 1-67 and further Figure 2 and column 23 from line 46 to line 67 of column 26 do not describe this subject matter. If the Examiner persists in the stated grounds of rejection, it is requested that he put on the record where there is any assessment of risk posed by an author based upon the at least one computer generated communication produced or received by the author, is further affiliated with an organization, the suggesting of the course of action to be taken by the organization and further that the author be assessed and counseled regarding the psychological state.

Claims 39-41 further limit claim 1 in reciting that the output communications are about the author and the output communication is generated in a response to

processing of at least one psychological profiling algorithm, at least one key word algorithm and at least one message characteristic algorithm. It is submitted that column 30, lines 36-61 to column 31, line 67, of Joao do not disclose the subject matter. Moreover, it is submitted that Joao do not disclose the aforementioned algorithms with regard to computer generated communications comprised of groups of words written by an author in order to determine the psychological state of the author which was reflected by the group of words.

Claims 42-44 further limit claims 1-3 in reciting that the output communication regards at least one of a psychological state of the author represented in the at least one computer generated communication and an investigation of the psychological state of the author represented by the at least one computer generated communication. It is submitted this subject matter is not suggested by column 30, line 36 to column 31, line 67, of Joao. In the first place, the at least one computer generated communication as recited in claim 1 is not disclosed by Joao for the reasons set forth above. Moreover, it is submitted that Joao does not pertain to an investigation of the psychological state of the author represented by the at least one computer generated communication. If the Examiner persists in the stated grounds of rejection, it is requested that he put on the record how this language was met by the referenced portion of Joao.

Claim 45 limits claim 1 in reciting that the at least one psychological profiling algorithm quantifies at least one of words written in bold face, italics, the profanity or e-mail symbols in the alert phrase. It is requested that the Examiner identify in the tables of Joao where he finds bold face, italics, profanity or e-mail symbols in an alert phrase mention. Moreover, it has been pointed above that the

psychological profiling algorithm is limited to the assessment of groups of words written by an author in order to determine the psychological state of the author which is reflected by the group of words which is not taught by Joao for the reasons set forth above.

Claims 46-50 are patentable for the same reasons set forth above with respect to claim 1.

Claims 51-53 are patentable for the same reasons set forth above with respect to claim 1.

Claim 54 is patentable for the same reasons set forth above with respect to claim 1.

Claims 55 and 58 respectively limit claims 1 and 3 in reciting that the output communication is used to alter the at least one computer generated communication. The Examiner cites column 3, lines 47-60, of Joao. However, these claims are limited to the altering of at least one computer generated communication which is recited as the group of words written by an author in order to determine psychological state of the author which is reflected by the group of words. This subject matter is not taught in column 3, lines 47-60.

Moreover, dependent claims 56, 57, 59, and 60 are patentable for the same reasons set forth above with respect to claims 55 and 58 in that it is submitted that there is no suggestion of modifying the claimed at least one computer generated communication as more specifically recited in these dependent claims.

Claim 61 is patentable for the same reasons set forth above with respect to claim 60.

Claim 63 is patentable for the same reasons set forth above with respect to claim 60.

Claim 66 is patentable for the same reasons set forth above with respect to claim 62.

Claim 67 recites that the input is coupled to a communication system of an organization to which the author is affiliated and which collects at least one computer generated communication produced or generated by the author; and the output communication is directed to the organization indicating that the at least one of an investigation and corrective action should be considered relative to the author. The diagnostic system of Joao does not address affiliation of an author with an organization in its consideration of a patient.

Claims 68 and 69 further limit claims 62 and 68 regarding the output communication is used to alter the at least one computer generated communication and the author uses the output communication to alter the at least one computer generated communication. As set forth above, the at least one computer generated communication is not taught to be authored by Joao.

The recitation of "website information collected from a website" in claims 1 and 62 has been amended to generically recite "information obtained from a server" since the former limitation is not required to define over the prior art.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 1063.39266X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

Donald E. Stout
Registration No. 26,422
ANTONELLI, TERRY, STOUT & KRAUS, LLP

DES:dlh